

HOUSE BILL No. 1349

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-1.1; IC 14-22.

Synopsis: Animal hunting preserves. Changes the name of shooting preserves to animal hunting preserves. Allows the propagation and hunting of game birds and privately owned deer and elk on animal hunting preserves. (Current law allows game birds and exotic mammals to be propagated and hunted.) Requires an animal hunting preserve to contain at least 80 acres and be located at least one mile from a state owned game refuge or state public hunting ground. (Current law requires the shooting preserve to contain between 100 and 640 acres and be located at least five miles from a state owned game refuge or state public hunting ground.) Makes conforming changes.

Effective: July 1, 2006.

Ulmer, Ruppel, Robertson, Denbo

January 12, 2006, read first time and referred to Committee on Natural Resources.

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Introduced

Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

HOUSE BILL No. 1349

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 6-1.1-6.2-3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. A parcel of land may
3 be classified as a windbreak if:

- 4 (1) it abuts a fence line or a property line;
- 5 (2) it abuts arable land;
- 6 (3) the landowner enters into an agreement with the department
7 of natural resources establishing standards of windbreak
8 management for the parcel of land as that concept is understood
9 by competent professional foresters;
- 10 (4) it is at least fifty (50) feet wide;
- 11 (5) it does not contain a dwelling or other usable building; and
- 12 (6) no part of it lies within a licensed ~~shooting~~ **animal hunting**
13 preserve.

14 SECTION 2. IC 6-1.1-6.5-2 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) A parcel of land
16 may be classified as a wildlife habitat if:

- 17 (1) it contains a good stand of vegetation that is capable of



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supporting wildlife species;
 (2) it is conducive to wildlife management;
 (3) the landowner enters into an agreement with the department of natural resources establishing standards of wildlife management for the parcel of land as that concept is understood by competent wildlife biologists;
 (4) it contains at least fifteen (15) acres;
 (5) it contains less than ten (10) acres of woodland;
 (6) it does not contain a dwelling or other usable building; and
 (7) no part of it lies within a licensed ~~shooting~~ **animal hunting** preserve.

(b) A parcel of land may be classified as riparian land if:

(1) the land is stream bed or vegetated land adjacent to a stream bed, not extending more than one hundred (100) feet landward from the line of nonaquatic vegetation;
 (2) the land is conducive to riparian management for the purposes of fish and wildlife restoration or enhancement, erosion control, increased bank stability, improved water quality, or increased stream storage capacity;
 (3) the land does not contain a dwelling or other usable building; and
 (4) the landowner enters into an agreement with the department of natural resources establishing standards of management for the classified riparian land.

SECTION 3. IC 6-1.1-6.5-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.5. (a) A landowner may file an application with the department of natural resources under section 5 of this chapter to have a parcel of land classified as a wildlife habitat if:

(1) the parcel consists of at least one (1) acre;
 (2) the parcel is contiguous to a parcel of land owned by the landowner that is already classified as a wildlife habitat;
 (3) the parcel contains a good stand of vegetation that is capable of supporting wildlife species;
 (4) the parcel is conducive to wildlife management;
 (5) the parcel does not contain a dwelling or other usable building;
 (6) no part of the parcel lies within a licensed ~~shooting~~ **animal hunting** preserve; and
 (7) the landowner enters into an agreement with the department of natural resources establishing standards of wildlife management for the parcel as that concept is understood by

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competent wildlife biologists.

(b) A parcel of land described in subsection (a) must be surveyed and platted under section 3 of this chapter.

SECTION 4. IC 6-1.1-6.7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) A parcel of land may be classified as a filter strip if the parcel of land meets all of the following requirements:

(1) The parcel of land is adjacent to an:

(A) open water course such as a ditch, creek, or river; or

(B) open body of water such as a wetland or lake.

(2) The parcel of land is at least twenty (20) feet wide but not more than seventy-five (75) feet wide.

(3) The parcel of land does not contain a dwelling or other usable building.

(4) The parcel of land is not used for livestock grazing.

(5) No part of the parcel of land lies within a licensed ~~shooting~~ **animal hunting** preserve.

(6) The landowner enters into an agreement with the:

(A) drainage board of jurisdiction along regulated drains; and

(B) county surveyor along nonregulated drains;

with concurrence of the local soil and water conservation district offices.

(b) A filter strip that exists on July 1, 1991, may qualify for classification if:

(1) the parcel meets the requirements of subsection (a); and

(2) the parcel is vegetated with a herbaceous vegetation that meets the seeding specifications of filter strips created after July 1, 1991, as determined by the county surveyor in concurrence with the local soil and water conservation district in which the parcel is located.

SECTION 5. IC 14-22-31-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. A person who:

(1) owns;

(2) holds; or

(3) controls by lease; ~~for a term of not less than five (5) years;~~ a contiguous tract of land containing an area of not less than ~~one hundred (100) acres and not more than six hundred forty (640) eighty~~ **(80)** acres and who desires to establish ~~a license shooting an animal hunting~~ **animal hunting** preserve must apply to the division for a license.

SECTION 6. IC 14-22-31-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. ~~A shooting An~~ **animal hunting** preserve may not be established within a distance of

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1 ~~five (5) miles~~ **one (1) mile** of a state owned game refuge or state public
 2 hunting ground. Duck shooting may not be permitted if wild duck,
 3 geese, or other migratory game birds frequent the area where the
 4 captive reared and properly marked mallard ducks are to be held,
 5 released, and flighted for shooting.

6 SECTION 7. IC 14-22-31-4 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. Upon receipt of an
 8 application, the department shall ~~do the following~~:

9 ~~(+)~~ inspect the following:

10 ~~(A)~~ **(1)** The proposed ~~shooting~~ **animal hunting** preserve.

11 ~~(B)~~ **(2)** The facilities for propagating the game birds. ~~or exotic~~
 12 ~~mammals~~.

13 ~~(C)~~ **(3)** The cover.

14 ~~(D)~~ **(4)** The capability of the applicant to maintain such an
 15 operation.

16 ~~(2) If found feasible, approve the application and issue a license~~
 17 ~~to the applicant.~~

18 SECTION 8. IC 14-22-31-6 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. Upon receipt of a
 20 license, the licensee shall post the licensed area at intervals of not more
 21 than five hundred (500) feet with signs. ~~to be prescribed by rule~~. The
 22 boundaries of the ~~shooting~~ **animal hunting** preserve shall be clearly
 23 defined by fences of at least one (1) strand of wire.

24 SECTION 9. IC 14-22-31-7 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. A person issued a
 26 license under section 4 of this chapter may propagate and offer for
 27 hunting the following animals that are captive reared and released:

28 (1) Pheasant, quail, chukar partridges, properly marked mallard
 29 ducks, and other game bird species that the department
 30 determines by rule.

31 ~~(2) Species of exotic mammals that the department determines by~~
 32 ~~rule.~~

33 **(2) Privately owned deer and elk.**

34 SECTION 10. IC 14-22-31-8 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) A person may not
 36 take game birds, ~~deer~~, and ~~exotic mammals~~ **elk** on a ~~shooting an~~
 37 **animal hunting** preserve unless the person has a hunting license
 38 required under this article, except nonresidents of Indiana who must
 39 possess a special license to shoot on licensed ~~shooting animal hunting~~
 40 preserves.

41 (b) The department:

42 (1) shall issue special licenses; and

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(2) may appoint owners or managers of ~~shooting animal hunting~~ preserves as agents to sell special licenses.

(c) A special license expires December 31 of the year issued.

(d) The fee for a special license is eight dollars and seventy-five cents (\$8.75). All fees shall be deposited in the fish and wildlife fund.

SECTION 11. IC 14-22-31-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. A person may take ~~wild animals~~ **game birds, deer, and elk** from a ~~shooting an animal hunting~~ preserve only during September, October, November, December, January, February, March, or April.

SECTION 12. IC 14-22-31-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. The licensee of a ~~shooting an animal hunting~~ preserve shall issue a bill of sale designating game birds, **deer**, or ~~exotic mammals~~ **elk** lawfully taken upon the ~~shooting animal hunting~~ preserve. The bill of sale must accompany all game birds, **deer**, and ~~exotic mammals~~ **elk** removed from the ~~shooting animal hunting~~ preserve. The licensee shall retain a copy of all bills of sale issued to persons removing game birds, **deer**, or ~~exotic mammals~~ **elk** from the ~~shooting animal hunting~~ preserve. The bills of sale are subject to inspection by the fish and wildlife division at any time.

SECTION 13. IC 14-22-31-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. (a) The licensee of a ~~shooting an animal hunting~~ preserve must keep a daily register to show the following:

(1) The number of ~~wild animals~~ **game birds, deer, and elk** and the species released and taken from the ~~shooting animal hunting~~ preserve each day.

(2) The number of hunters participating.

(b) An annual computation of the record:

(1) shall be sent to the department on May 10 each year; and

(2) shall be filed under oath as to the number and species of ~~wild animals~~ **game birds, deer, and elk** released and taken.

(c) Failure to keep and forward the records to the department is sufficient cause for:

(1) revocation of the license for the ~~shooting animal hunting~~ preserve; or

(2) refusal to issue a license for the following year.

SECTION 14. IC 14-22-31-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) The following must be available to the department for inspection:

(1) The daily records.

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(2) The pens **for the game birds.**

(3) The ~~wild animals.~~ **game birds, deer, and elk.**

(4) The ~~shooting~~ **animal hunting** preserves.

(b) An inspection of a ~~shooting~~ **an animal hunting** preserve shall be conducted under this chapter and rules adopted under IC 14-22-2-6. The department shall consult with the state veterinarian if the inspection reveals a potential animal health threat that contravenes programs for the prevention, control, or eradication of diseases in domestic animals.

SECTION 15. IC 14-22-32-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. This chapter does not apply to the following:

(1) Conservation officers or other law enforcement officers.

(2) Game birds, **deer**, or ~~exotic mammals~~ **elk** in ~~shooting~~ **animal hunting** preserves licensed under IC 14-22-31.

(3) A person who takes a feral exotic mammal when the feral exotic mammal is causing damage to property that is owned or leased by the person.

(4) A person who is authorized by the department under extraordinary circumstances to take an exotic mammal.

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